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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0317
RUEHNY/AMEMBASSY OSLO PRIORITY 3469
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0487
RUEHKO/AMEMBASSY TOKYO PRIORITY 2559
RUEHCG/AMCONSUL CHENNAI PRIORITY 7147
RUEHBI/AMCONSUL MUMBAI PRIORITY 4952
RHEHNSC/NSC WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002030

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DEPARTMENT FOR SCA/INS

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [PTER](#) [CE](#)

SUBJECT: SRI LANKA: MINISTER GIVES ASSURANCES ON HUMAN RIGHTS UNDER NEW ANTI-TERROR REGULATIONS

REF: A) COLOMBO 2015 B) COLOMBO 2021 C) COLOMBO 2020

D) COLOMBO 1895

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Classified By: DCM JAMES R. MOORE, for reasons 1.4(b, d).

¶1. (C) SUMMARY: In a December 6 meeting, the Minister for Disaster Management and Human Rights gave Ambassador his readout of Cabinet deliberations over the promulgation of new powers for security forces in the fight against LTTE terrorism. He assured us, however, that the new regulations adequately safeguarded human rights. Ambassador conveyed U.S. concern about increasing violations of human rights in Sri Lanka. He gave Minister Samarasinghe a copy of an internal USAID report on the deteriorating situation and urged the government take concerted action to reverse the trend. Samarasinghe told Ambassador he would continue participating as chairman of the High-Level Committee on Humanitarian Access, despite a recent row between him and the Defense Secretary. End Summary.

MODERATES KEEP DOOR TO NEGOTIATIONS OPEN

¶2. (C) On December 6, the Ambassador met Minister for Disaster Management and Human Rights Mahinda Samarasinghe to get his readout of the day's Cabinet meeting and convey our concern that human rights and civil liberties in Sri Lanka were rapidly declining. Samarasinghe said the Cabinet had decided against a proposed ban on the LTTE (ref a) because the ban would only strengthen sympathy for the LTTE cause. Instead, the Cabinet effectively reimposed certain suspended provisions of the Prevention of Terrorism Act (ref b). Samarasinghe thought this would "keep the door open to the peace process" and create pressure on the LTTE to return to the negotiating table.

¶3. (C) The Ambassador questioned the impact of the decision on civil and human rights. Samarasinghe said past Presidential directives safeguarded civil liberties adequately and were effectively enforced through random visits to police stations to ensure that the police were

following the directives. These require the police to notify a family member of the arrest of a detainee, provide detainees with a copy of the police report in a language the detainee understands and write the statements of any illiterate detainees. Samarasinghe added that while the new regulation extends the period suspects can be detained, it is not indefinite. He pointed out that international NGOs, peace negotiators and development workers were exempt from the detention provisions.

NEED FOR ACTION ON HUMAN RIGHTS VIOLATIONS

¶4. (C) The Ambassador presented a report prepared for USAID, "Democracy and Governance Assessment: Sri Lanka; Presentation of Preliminary Findings" outlining the serious deterioration of democratic values and human rights since 2005. The Ambassador told Samarasinghe we did not intend to release the report, but were sharing it with him and with Foreign Minister Mangala Samaraweera (ref c) as a courtesy. Ambassador pointed out that the report confirmed UN Special Advisor on Children and Armed Conflict Allan Rock's charge that elements of the breakaway Eastern faction of the LTTE led by Colonel Karuna (ref d), including the allegation that government forces aided Karuna's group in the forced recruitment of child soldiers.

¶5. (C) It did not make sense that Karuna would need the security forces' help to round up child soldiers, Samarasinghe replied, adding that Rock had not provided "strong and credible" evidence. Without names, dates, and other details, the GSL could not investigate incidents based on Rock's report. Ambassador responded that the GSL should start its own investigation.

¶6. (C) The Ambassador stressed that rather than issuing blanket denials in reaction to allegations of human rights

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violations, the GSL should seize the opportunity to reverse the negative trend. Otherwise, Sri Lanka's reputation will continue to suffer and pressure will grow for formal international monitoring. The Ambassador recommended the GSL start by appointing an independent candidate to the Constitutional Council to restore legitimacy to this institution and the others that depend on it.

SAMARASINGHE TO REMAIN CHAIRMAN OF GROUP ON NGO ACCESS

¶7. (C) Samarasinghe assured the Ambassador he will remain chairman of the High-Level Committee on Humanitarian Access -- despite his threat to quit after the last such meeting ended in acrimony. The Ambassador let Samarasinghe know that as current convenor of the Co-Chairs in Colombo, he planned to attend future meetings of the group. He strongly urged the Minister to continue his crucial role as chairman. Samarasinghe said President Mahinda Rajapaksa had called him the day before, asking him to continue as chair and to call the next meeting of the High-Level Committee.

¶8. (C) COMMENT: Samarasinghe appeared receptive to our message on the need to improve the government's performance on human rights. However, it is not clear whether he and other moderates such as Foreign Minister Samaraweera have the political clout to prevail against government hardliners. They won a round recently by heading off an ill-considered sharp reaction (such as banning the Tigers) to the assassination attempt against Presidential brother Gothabaya Rajapaksa. They have also kept the peace process alive by convincing the President to refrain from an open breach of the Ceasefire Agreement. Further, it is encouraging that the President continues to put a high priority on the liaison group on Humanitarian Access. Still, the sweeping new powers granted to security forces by the presidential promulgation of new anti-terrorism measures give rise to concerns that

human rights abuses may continue to escalate. We and other
observers of Sri Lanka will need to monitor this closely.
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